

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**No. 15-cr-4519 MCA**

**KENDRA BROPHY,**

**Defendant.**

**UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE**

Defendant Kendra Brophy respectfully moves the Court to modify her conditions of release to permit her grandmother, Dolores Benavidez, to act as third-party custodian, and to allow her to travel to Sandoval County, which is where her grandmother resides. Pretrial Services and the Government are not opposed to this motion. In support of her request, Ms. Brophy states as follows:

1. On December 3, 2015, Ms. Brophy and a co-defendant were charged by complaint with one count of bank robbery, contrary to 18 U.S.C. § 2113 and 18 U.S.C. § 2. [Docs. 1-2.] Two weeks later, they were charged by indictment with the same offense. [Doc. 15.] Ms. Brophy was arraigned on December 28, 2015. [Doc. 22.]
2. On December 18, 2015, the Court ordered Ms. Brophy released to the third-party custody of La Pasada Halfway House. [Doc. 13.] The Court also

restricted Ms. Brophy's travel to "Bernalillo County unless prior approval by Supervising officer is obtained." [Doc. 13 at 2.] Ms. Brophy has resided at La Pasada since her release and has been compliant with all of the Court's conditions.

3. Ms. Brophy's grandmother, Dolores Benavidez, is willing to assume third-party custody of Ms. Brophy, under the conditions of release the Court set in this case. Ms. Benavidez lives in Rio Rancho, which is in Sandoval County.

4. Ms. Brophy's Pretrial Services supervisor, Sharla Koch, has been in contact with Ms. Benavidez and has determined Ms. Benavidez is a suitable third party custodian. Ms. Koch has no objection to Ms. Brophy being released to Ms. Benavidez's custody.

5. On March 8, 2015, undersigned counsel spoke with counsel for the government, AUSA Edward Han, and Mr. Han stated the Government also has no objection.

### **Conclusion**

For the foregoing reasons, Defendant Kendra Brophy respectfully moves the Court to modify her conditions of release to permit her grandmother, Dolores Benavidez, to act as third-party custodian, and to

allow her to travel to Sandoval County, which is where her grandmother resides.

Respectfully submitted,

/s/ Theresa M. Duncan  
Theresa M. Duncan  
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Attorney for Defendant Kendra Brophy

**CERTIFICATE OF SERVICE**

I certify that on March 8, 2016, I filed the foregoing document electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Theresa M. Duncan  
Theresa M. Duncan